

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,112,514
Issued : September 5, 2000
Application No. : 09/159,634
Filed : September 24, 1998
For : Fan Noise Reduction From Turbofan Engines Using
Adaptive Herschel-Quincke Tubes

DECLARATION OF DEBRA LUCAS

I, Debra Lucas provide this Declaration in support of the Petition To Accept Delayed Payment of a Maintenance Fee Under 37 C.F.R. § 1.378(b) for U.S. Patent No. 6,112,514.

I hereby declare that:

1. I am a U.S. citizen, of legal age, and resident of Gaithersburg, Maryland. The statements in this declaration are based on my own personal knowledge and belief.
2. I am a patent paralegal at Intrexon Corporation. I have been a patent paralegal at Intrexon Corporation since June of 2007.
3. Previously I was the IP Manager/Patent Paralegal at Virginia Tech Intellectual Properties (VTIP) from November 2002 to June of 2007. During that time I was responsible for tracking US patent matters and used the DEALS data base and, after transition in about late 2002, used the Inteum C/S data base to assist with tracking of VTIP patent matters. The Inteum people that assisted VTIP with the transition also provided training to me on use of the Inteum C/S data base. During my employment at VTIP I made no errors that resulted in a lapsed US patent for failure to pay a maintenance fee.
4. I understand that the second maintenance fee for the above identified '514 patent was not paid and this Declaration is in support of a petition to accept the late maintenance fee payment for the '514 patent. The first maintenance fee was timely paid and the second maintenance fee could have been paid without surcharge as late as March 5, 2008, and could have been paid with a surcharge as set forth in 37 C.F.R. § 1.362(e)(1) as late as September 5, 2008.

5. I have reviewed the VTIP Inteum C/S tracking report for the '514 patent (copy attached as Exhibit A) and it is marked "7.5 large entity" and "Paid 8/9/06" which indicates that the second maintenance fee has been paid.


6. I have reviewed a copy of the Inteum C/S IP Assets screen shot for Tech ID 97.058 (Exhibit C accompanying this Declaration) and note the entry of "Paid 8/9/06" on this screen shot.

7. I have reviewed a copy of the 09 August 2006 letter from Michael Whitham to Mark Coburn (Exhibit B accompanying this Declaration) informing Mark of the authorization to pay the 2006 annuity fee for European Patent Application No. 99964945.2 and note what I believe is my handwriting in the upper right hand corner stating "97.058" (the "Tech ID" e.g., VTIP indicator for the applications for this invention at VTIP) and "C/S updated" (which indicates the updated entry into the Inteum C/S database).

8. Based on my review of the 09 August 2006 letter from Michael Whitham to Mark Coburn (Exhibit B accompanying this Declaration) it is my opinion that I erroneously entered the "Paid 8/9/06" entry on the VTIP Inteum C/S tracking report of the '514 patent (copy attached as Exhibit A) and I erroneously entered the "Paid 8/9/06" entry on the Inteum C/S IP Assets screen shot for Tech ID 97.058 (Exhibit C accompanying this Declaration). The "Paid 8/9/06" entry is erroneous since the entry is on the tracking report and screen shot for the corresponding US Patent (number 6,112,514) and should have been made instead for the corresponding European Patent Application (No. 99964945.2). I should not have made this entry for the US '514 patent and I have no recollection of why I made this entry.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Debra Lucas


(date)